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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,446	10/26/2000	David Bruce Kumhyr	AUS9-2000-0501-US1	3535

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EXAMINER	
RAMPURIA, SATISH	
ART UNIT	**PAPER NUMBER**
2124	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/697,446	KUMHYR ET AL.	
	Examiner	Art Unit	
	Satish S. Rampuria	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is in response to the amendment received on 06/01/2004.
2. The objection to the specification is withdrawn in view of applicant's amendment.
3. Rejection of claim 1 is still stand rejected under 35 USC § 112, second paragraph.
4. Claims 1-24 are pending.

Claim objections

5. Claims 3, 11, and 19 are objected to because of the following informalities:

The use of the trademark "Java" has been noted in the claims. It should be appropriate or proper term (see MPEP 608.01(v)) used, wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1, 9, 17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For claim 1 is non-statutory because it recites components of identifying non-externalized string, representing functional descriptive material without a computer readable medium

or computer implemented, program per se are not tangibly embodied. Also, without presenting a practical application. Claims 1-8 thus amounts to only abstract idea and are nonstatutory.

For claims 9 and 17, are non-statutory because they recites components of identifying non-externalized string, representing functional descriptive material without practical application, scanning, determining is an abstract idea therefore no practical application presented. Claims 9-24 thus amounts to only abstract idea and are nonstatutory.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 3, 9, 11, 17, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9, and 17, the structure limitation does not limit the process of steps and or actions e.g. page 14, line 6-7, it is unclear whether it is step or action of the process. In the previous steps (lines 3-5) specifies the steps of the claim.

Regarding claims 3, 11, and 19 contain the trademark/trade name Java. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second

paragraph. See Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1, 2, 7-10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,304,870 to Kushmerick et al, hereinafter called Kushmerick, in view of US Patent No. 6,094,649 to Bowen et al, hereinafter called Bowen.

Per claim 1, 7, and 8:

Kushmerick discloses:

- ***scanning a code for a first pair of delimiters*** (col. 8, line 25-28 "The wrapper searches for pairs of delimiters that indicate the beginning and end of each attribute; the page is scanned for these delimiters and the extracted text returned the end-of-string delimiter")

Kushmerick, does not explicitly discloses the path name is a resource file.

However, Bowen discloses in an analogous computer system the path name is a resource file (col. 7, lines 45-49 "resource locators include URLs, hot links, file paths, and distinguished names, object class names, table names, and primary database key values, among others").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of directing a path or file name to a different location as taught by Bowen in to the method of scanning code as taught by Kushmerick. The modification would be obvious because of one of ordinary skill in the art would be motivated to direct to a specific data base or directory depending on the data structure as taught by Bowen (col. 4, lines 20-28).

The limitation of non-externalized string that is not hard-coded which is also in the preamble of the claim is not given patentable weight since it does not specify step or action of the process.

Per claim 2:

The rejection of claim 1 is incorporated and further Kushmerick does not explicitly disclose identifying the string as a possible hard-coded string if said string is not a path name to said resource file.

However, Bowen discloses in an analogous computer system ***identifying the string as a possible hard-coded string if said string is not a path name to said resource file*** (col. 4 lines 22-26 "One method of the invention begins... selection... one data... in the structured database; each selected item... data and has a corresponding location identifier which identifies the item's location within the structured database").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of directing a path or file name to a different location as taught by Bowen in to the method of scanning code as taught by Kushmerick. The modification would be obvious because of one of ordinary skill in the art would be motivated to direct to a specific data base or directory depending on the data structure as taught by Bowen (col. 4, lines 20-28).

The feature of identifying the string as a possible hard-coded string if said string is not a path name to said resource file would be obvious for the reasons set forth in the rejection of claim 1.

Claim 9 is the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.
Claim 10 is the computer program product claim corresponding to method claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.
Claims 15 and 16 are the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

12. Claims 3-6 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kushmerick, Bowen in view of admitted prior art.

Per claim 3:

The rejection of claim 1 is incorporated, and further, neither Kushmerick nor Bowen disclose code comprises Java code.

However, admitted prior art discloses ***wherein said code comprises Java code*** (Applicant's specification, page 2, lines 17-18 "application... programming language... Java... implemented using objects").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of including JAVA code as taught admitted prior art in corresponding to method of extracting code/text within the delimiters as taught in the combination system by Kushmerick and Bowen. The modification would be obvious because of one of ordinary skill in the art would be motivated include the JAVA code for the application to work for Internet.

Per claim 4:

The rejection of claim 1 is incorporated and further, neither Kushmerick nor Bowen disclose where in said path name is a uniform resource locator.

However, admitted prior art discloses ***wherein said path name is a uniform resource locator*** (Applicant's specification, page 11, lines 8-9 "Path name to resource bundles... commonly referred... uniform resource locator (URL)").

The feature of path name is a uniform resource locator would be obvious for the reasons set forth in the rejection of claim 3.

Per claim 5:

The rejection of claim 1 is incorporated and further, neither Kushmerick nor Bowen disclose where in said resource file is a resource bundle.

However, admitted prior art discloses ***wherein said resource file is a resource bundle*** (Applicant's specification, page 3, line18 "resource files commonly referred to in Java as resource bundles").

The feature of where in said resource file is a resource bundle would be obvious for the reasons set forth in the rejection of claim 3.

Per claim 6:

The rejection of claim 1 is incorporated and further, neither Kushmerick nor Bowen disclose wherein said string within said first pair of string delimiters is a path name to said resource file if said string is in a dot delimited notation.

However, admitted prior art discloses wherein said string within said first pair of string delimiters is a path name to said resource file if said string is in a dot delimited notation (Applicant's specification, page, 11, line 9 "URL's are commonly identified by their dotted signature").

The feature of wherein said string within said first pair of string delimiters is a path name to said resource file if said string is in a dot delimited notation would be obvious for the reasons set forth in the rejection of claim 3.

Claim 11 is the product claim corresponding to method claim 3 and rejected under the same rational set forth in connection with the rejection of claim 3 above.

Claim 12 is the product claim corresponding to method claim 4 and rejected under the same rational set forth in connection with the rejection of claim 4 above.

Claim 13 is the product claim corresponding to method claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Claim 14 is the product claim corresponding to method claim 6 and rejected under the same rational set forth in connection with the rejection of claim 6 above.

13. Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kushmerick, Bowen and further in view of Bell US Patent No. 6,275,978.

Per claim 17:

Neither Kushmerick nor Bowen disclosed system with a processor, a memory, an input, an output mechanism, and a bus system coupling processor to memory unit, input mechanism, and output mechanism.

However, Bell discloses the system with a processor, a memory, an input, an output mechanism, and a bus system coupling processor to memory unit, input mechanism, and output mechanism (col. 3, lines 11-28 "the computer system... comprises a processor... a system memory... an operating system (not shown). The processor 41 accepts data from system memory 42 over the local interface or bus 43. ... user can be signaled by using the input devices... a mouse 44 and keyboard 45. The action input and result output are displayed on the display terminal 46")

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the system including a processor, a memory, an input, an output mechanism, and a bus system coupling processor to memory unit, input mechanism, and output mechanism as taught by Bell in to the combination system of extracting code/text within

the delimiters as taught in the combination system by Kushmerick and Bowen. The modification would be obvious because of one of ordinary skill in the art would be motivated to have system which include processor, memory, input/output mechanism to implement, store, have user input and display the result.

Claim 18 is the system claim corresponding to method claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.

Claim 19 is the system claim corresponding to method claim 3 and rejected under the same rational set forth in connection with the rejection of claim 3 above.

Claim 20 is the system claim corresponding to method claim 4 and rejected under the same rational set forth in connection with the rejection of claim 4 above.

Claim 21 is the system claim corresponding to method claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Claim 22 is the system claim corresponding to method claim 6 and rejected under the same rational set forth in connection with the rejection of claim 6 above.

Claims 23 and 24 are the system claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Response to Arguments

14. Applicant's arguments with respect to claim 1 rejected under 35 USC § 112, second paragraph have been considered but they are not persuasive.

In the remarks, the applicant has argued that:

For claim 1, applicant's argues that "wherein" clause does not provide the basis for 35 USC § 112, second paragraph.

Examiner's response:

However, the rejection was made because the limitation is not tied to the previous steps of the method and therefore, the structured limitation does not limit the process or steps of action. Thus the rejection was not based on the "wherein" clause used in the claim, as recited in the claim "wherein if said string is a path name to said resource file then said string is a non-externalized string is not hard-coded". As explained in the rejection this limitation is not recited as limiting the method or the steps of scanning and determining the string to a path name of a resource file.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Satish Rampuria whose telephone number is 703-305-8891.

The examiner can normally be reached on Monday-Friday from 8:30 A. M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kakali Chaki can be reached at 703-305-9662. The fax number for this group is 703-872-9306.

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-3900.

Satish S. Rampuria
Patent Examiner
Art Unit 2124
09/07/2004

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